

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 12-00119 SI

Plaintiff,

**ORDER DENYING DEFENDANT'S
MOTION TO REVOKE DETENTION
ORDER**

v.

RAYMOND HEMBRY,

Defendant.

On January 17, 2013, the Court heard argument on defendant Raymond Hembry's motion to revoke Magistrate Judge Beeler's detention order, and release him on a bond. After considering the papers, Pretrial Service's supplemental pre-bail report and the arguments of counsel, the Court DENIES defendant's motion to revoke the detention order.


The Bail Reform Act of 1984 establishes a rebuttal presumption in cases like this that the defendant is both a flight risk and a danger to the community. 18 U.S.C. § 3142(e). It permits the pretrial detention of a defendant where "no combination of conditions will reasonably assure the appearance of the person as required and the safety of any other person and the community." *Id.*

The supplemental pre-bail report recommends continued detention. That report makes it clear that defendant committed multiple crimes while on state parole and continued to have at least some contact with gang members, including prison gang members and including mail contact. Under these circumstances, the Court finds that defendant has not met his burden to rebut the presumption that he will present a risk of flight and a danger to the community if the detention order is revoked, or that any combination of conditions placed on his release or placement at a halfway house could reasonably

1 assure the safety of the community or his appearance in court. Therefore, the motion is DENIED.
2 (Docket No. 440).

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4 **IT IS SO ORDERED.**

5 Dated: January 17, 2013

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8 SUSAN ILLSTON
9 United States District Judge
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